

**Proposed Substitute
Bill No. 896**

LCO No. 5182

**AN ACT CONCERNING PROTECTIVE SERVICES FOR SUSPECTED
ELDERLY ABUSE VICTIMS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Strike subsection (d) of section 2 in its entirety and substitute the
2 following in lieu thereof:

3 "(d) Notwithstanding the provisions of subsection (c) of this section, if
4 the commissioner determines it to be necessary to assure the health, safety
5 and welfare of an elderly person, the commissioner may disclose the
6 elderly person's records, whether or not created by the department, and
7 not otherwise privileged or confidential communications under state or
8 federal law, without the authorization of the elderly person or the elderly
9 person's legal representative (1) to multidisciplinary teams that may be
10 formed to assist the department in investigation, evaluation or treatment
11 of elderly abuse and neglect cases; (2) to law enforcement officials; and (3)
12 in proceedings authorized under this chapter or in any action the
13 commissioner deems necessary to assure the health, safety and welfare of
14 any elderly person."

15 Strike section 4 in its entirety and substitute the following in lieu
16 thereof:

17 "Sec. 4. Section 17b-454 of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective July 1, 2015*):

19
20 [Any person, department, agency or commission authorized to
21 carry out the duties enumerated in sections 17b-450 to 17b-461,
22 inclusive, shall have access to all relevant records, except that records
23 which are confidential to an elderly person shall only be divulged with
24 the written consent of the elderly person or the representative of such
25 elderly person.] A covered entity, as defined in 45 CFR 160.103, shall
26 disclose to the commissioner all relevant protected health information
27 and other information about an elderly person that is necessary for the
28 commissioner to investigate an allegation of abuse, neglect,
29 abandonment or exploitation, provided the covered entity shall
30 provide notice to such elderly person in accordance with subsection (c)
31 of 42 CFR 164.512. If the [Commissioner of Social Services]
32 commissioner has reasonable cause to believe that the elderly person
33 [lacks capacity to give consent to release confidential records or if the
34 caretaker of such elderly person is refusing consent and the
35 commissioner has reasonable cause to believe that such caretaker has]
36 is being abused, neglected, exploited or abandoned, [the elderly
37 person,] the commissioner may issue a subpoena to obtain
38 [confidential records] protected health information or other
39 information necessary to investigate the allegations of abuse, neglect,
40 exploitation or abandonment. The commissioner may request the
41 Attorney General to petition the Superior Court for such order as may
42 be appropriate to enforce the provisions of this section. The
43 commissioner's authority [of the Department of Social Services] shall
44 include, but shall not be limited to, the right to initiate or otherwise
45 take those actions necessary to assure the health, safety and welfare of
46 any elderly person. [, subject to any specific requirement for individual
47 consent, and the right to authorize the transfer of an elderly person
48 from a nursing home.]"